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Christopher C. Dreman

NOVEMBER 1, 2002
Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

VO et al.

Assignee: Corning Cable Systems LLC

Serial No.: 09/840,482

Filed: April 23, 2001

Title: WIRE TERMINATION DEVICE
HAVING TEST CONTACTS ON COVER

Art Unit: 2839

Examiner: LE, T.

VIA FACSIMILE: 703-308-6916

Pages: 15

Assistant Commissioner for Patents
BOX DAC
Washington, D.C. 20231
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PETITION (REQUEST) TO WITHDRAW HOLDING OF ABANDONMENT OF APPLICATION UNDER 37 C.F.R. § 1.181

Dear Sir:

In response to the Notice of Abandonment mailed October 23, 2002, Applicants petition the Commissioner to withdraw the holding of abandonment of the above-identified application under 37 C.F.R. § 1.181. Pursuant to 37 C.F.R. § 1.8(b), the following items are submitted in support of this petition:

- (1) A copy of the correspondence (i.e., Amendment After Final) and certificate of facsimile transmission accompanying the correspondence that was previously timely transmitted to the Patent Office on May 7, 2002, but not received; and
- (2) A statement attesting on a personal knowledge basis to the previous timely transmission.

A true and correct copy of Applicants' Amendment After Final filed in response to the Office Action mailed February 26, 2002, is attached hereto. As indicated by the sending unit's Transmission (TX) Confirmation Report attached thereto, the Amendment After Final was timely filed in the United States Patent Office by facsimile transmission on May 7, 2002. In particular, the Transmission (TX) Confirmation Report indicates that 11 pages were successfully transmitted to the attention of Examiner Thanh-Tam Le, Group Art Unit 2839, at the United States Patent Office by facsimile transmission to 703-746-7030 at approximately 15:55. Several times earlier on the same day, the undersigned attorney of record attempted unsuccessfully to transmit the Amendment After Final to the facsimile telephone number 703-308-7722 listed in the Office Action for After Final communications. The alternate facsimile telephone number indicated on the first page of the Amendment After Final was provided by the receptionist for the Group Art Unit, and thereafter, the undersigned successfully transmitted the Amendment After Final. Furthermore, the first page of the Amendment After Final included a Certificate of Facsimile Transmission signed and dated by the undersigned.

The undersigned attempted several times over the next five (5) months to contact the Examiner to learn the status of the application. Finally, on or about September 25, 2002, the undersigned telephoned the Examiner's supervisor Brian Sircus and subsequently learned on September 26, 2002, that the Amendment After Final was not received in the Patent Office. The undersigned then requested the Examiner to issue a Notice of Abandonment so that this petition to withdraw the holding of abandonment could be filed. The Notice of Abandonment at point 7 states that "[n]o response [was] filed." However, the undersigned clearly advised the Examiner during the telephone conference that a response *had been filed*, but apparently, was not received in the Patent Office or was not correctly matched to the case file.

In view of the foregoing remarks, Applicants respectfully petition the Commissioner to withdraw the holding of abandonment in the above-identified application under 37 C.F.R. §§ 1.181 and 1.8. The Commissioner is hereby authorized to charge any fee due in connection with the filing of this petition and not accounted for hereinabove, to Deposit Account No. 19-2167.

Respectfully submitted,



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Dated: November 1, 2002